

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

VERONICA AHEARN,

Plaintiff,

-v.-

Civil Action No.
1:08-cv-951 (GLS/VEB)

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Office of Peter M. Margolius
7 Howard Street
Catskill, New York 12414

PETER M. MARGOLIUS, ESQ.

FOR THE DEFENDANT:

Social Security Administration
Office of Regional General Counsel
Region II
26 Federal Plaza - Room 3904
New York, New York 10278

SIXTINA FERNANDEZ, ESQ.

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Victor E. Bianchini, duly filed February 5, 2010. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge Victor E. Bianchini filed February 5, 2010 is ACCEPTED in its entirety for the reasons state therein, and it is further

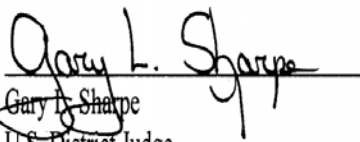
ORDERED, that the Commissioner's motion is denied and that the decision of the Commissioner is reversed, and that the case is remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with the report-recommendation, and it is further

ORDERED, that the Clerk enter judgment in favor of the plaintiff against the defendant, and it is further

ORDERED, that the Clerk of the Court is to mail copies of the Order to the parties.

IT IS SO ORDERED

Dated: February 22, 2010
Albany, New York



Gary L. Sharpe
U.S. District Judge